



## Alliance for Patient Access

May \*\*, 2023

The Honorable Lois Kolkhorst  
Chair  
Sen. Committee on Health & Human Services  
P.O. Box 12068  
Capitol Station  
Austin, TX 78711

The Honorable Charles Perry  
Vice-Chair  
Sen. Committee on Health & Human Services  
P.O. Box 12068  
Capitol Station  
Austin, TX 78711

### **Re: Support for HB 999- Copay Accumulator Reform**

Dear Chair Kolkhorst and Vice-Chair Perry:

On behalf of the Alliance for Patient Access (AfPA), I am writing in support of HB 999, a bill that would ensure that all payments made to insurance companies for medicines, including those made with copay coupons, are applied to patients' out-of-pocket expense obligations. The bill will allow patients to continue using copay coupons to access their medications, while also being protected from surprise out-of-pocket costs.

Founded in 2006, AfPA is a national network of policy-minded health care providers who advocate for patient-centered care. AfPA supports health policies that reinforce clinical decision making, promote personalized care and protect the clinician-patient relationship. Motivated by these principles, AfPA members participate in clinician working groups, advocacy initiatives, stakeholder coalitions and the creation of educational materials.

Copay assistance coupons are often of critical importance for patients, particularly those with chronic or rare diseases. The coupons provide payment toward a patient's prescription copay requirements, helping increase access to treatment options. However, in recent years, many health plans have instituted a practice in which patient payments made using copay coupons are allowed for payment but then excluded from being counted towards a patient's annual deductible, or out-of-pocket cost limit. These practices are known as copay accumulator programs, and they can effectively limit access for patients. The prevalence of these programs continues to grow. Between 2019 and 2022, the utilization of copay accumulators for commercially insured patients rose from 14% to 33%.<sup>1</sup>

At the same time, health plans have also moved to shift more costs to the patient by instituting coinsurance rather than copays. Coinsurance requires a beneficiary to pay a percentage of the list price of a medication, making the out-of-pocket costs significantly higher to a patient than that of a set copay medication. Copay coupons play an important and necessary role in assisting the patient as they are required to take on more health care costs.

Most drugs that have copay coupons available do not have any lower-cost generic alternative. For the few that do, the alternatives might not fit the patient's specific disease state, or the patient may have already tried and failed the alternative treatment.

Copay accumulator programs can hinder patient care by increasing out-of-pocket costs for patients, leading to patients – regardless of their health status – switching medications based on unforeseen expense. Patients may also abandon their medication altogether, as these programs can leave patients with unanticipated medical bills of hundreds or even thousands of dollars. These consequences put patients at risk for re-emerging symptoms and new side effects and place an undue burden on patients already managing complex conditions. Re-emerging symptoms and new side

<sup>1</sup> <https://www.formularywatch.com/view/iqvia-accumulator-and-maximizer-programs-are-growing>



effects can lead to worsening conditions, leading to increased costs to the health care system via increased need for clinician and emergency room visits.


For more information about copay accumulators, please see AfPA’s copay accumulator [position paper](#):


- Limit the use of copay accumulators.
- Require patient notification.
- Require transparency on patients’ out-of-pocket costs.


Seventeen states and Puerto Rico have already passed copay accumulator reform legislation to help their residents. HB 999 will protect access by ensuring that all payments made on behalf of a patient – including those made using copay coupons – count toward that patient’s out-of-pocket maximum. These reforms will protect patients from the surprise out-of-pocket costs associated with copay accumulator programs, support optimal patient health, and ensure the clinician-patient relationship remains intact.


On behalf of Texas patients and the Alliance for Patient Access, we urge your support for HB 999 throughout the legislative process to ensure patients can access the treatments they need.


Sincerely,

Kevin Finkel, MD, FACP, FASN, FCCM  
  
Houston, TX

Christopher Parker, DO  
  
Austin, TX

Rodolfo (Rudy) Molina, MD, FACP, MACR  
Past President, Bexar County Medical Center  


George R. Nissan, DO  


Fatma Gul, MD, MSc  


- Cc:
- Senator Blanco
  - Senator Hall
  - Senator Hancock
  - Senator Hughes
  - Senator LaMantia
  - Senator Miles
  - Senator Sparks

*Alliance for Patient Access*



**From:** [applications.administrator@capitol.local](mailto:applications.administrator@capitol.local)  
**To:** [Senate Redistricting](#)  
**Subject:** INETMAIL: Redistricting Public Input  
**Date:** Monday, May 15, 2023 1:00:02 PM  
**Attachments:** [AfPA\\_TX HB 999 LoS.pdf](#)

---

Date: 2023-05-15  
First Name: Casey  
Last Name: McPherson  
Title: N/A  
Organization: Alliance for Patient Access

[REDACTED]

City: Washington

State: DC

[REDACTED]

Affirm public info: I agree

Regarding: Senate

[REDACTED]